

City of Detroit


CITY COUNCIL

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**TO: Public Health and Safety Standing Committee
Honorable Alberta Tinsley-Talabi, Chairperson**

FROM: David Whitaker, Director 
Research and Analysis Staff

DATE: March 10, 2008

RE: Streets, Sidewalks and Other Public Places Ordinance

Research & Analysis Division (RAD) was requested by the Public Health and Safety Standing Committee to draft an ordinance that would impact the future phases of the Livernois Avenue Improvement Project (Livernois median). Please note that this ordinance should be considered in conjunction with RAD's Privileged and Confidential report dated March 7, 2007. A copy of the proposed ordinance is attached for your consideration.

Attachment

**PROPOSED DRAFT OF STREETS, SIDEWALKS
AND OTHER PUBLIC PLACES ORDINANCE**

March 7, 2008

SUMMARY

THIS PROPOSED ORDINANCE to amend Chapter 50 of the 1984 Detroit City Code, *Streets, Sidewalks and Other Public Places*, Article I entitled *In General*, by amending Section 50-1-1 to specify standards and review procedures for major road changes or alteration projects.

BY COUNCIL MEMBER JOANN WATSON:

AN ORDINANCE to amend Chapter 50 of the 1984 Detroit City Code, *Streets, Sidewalks and Other Public Places*, Article I entitled *In General*, by amending Section 50-1-1 to specify standards and review procedures for major road changes or alteration projects.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF
DETROIT THAT:**

Section 1. Chapter 50, Article I, of the 1984 Detroit City Code, *Streets, Sidewalks and Other Public Places* be amended by amending Section 50-1-1 to read as follows:

CHAPTER 50

ARTICLE I. IN GENERAL

Sec. 50-1-1. Standards of design and construction for streets, highways, etc.; regulation of issuance of permits for excavations in streets, etc.; regulation of order in which departments are to do work on streets, alleys, etc.

The department of ~~transportation~~ public works shall:

(1) Provide and maintain general standards of design and construction, through rules, regulations, examinations or otherwise, covering the construction and maintenance of

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1 streets, highways, ramps, bridges and related construction for safe and efficient use of
2 streets.

3 (a) All projects undertaken covering major road changes, alterations and maintenance
4 of streets, highways, ramps, bridges and related construction must comply with
5 the industry standards and guidelines accepted and utilized by the Michigan
6 Department of Transportation or the American Association of State Highway and
7 Transportation Officials (AASHTO), which ever is more stringent or specific to
8 the given circumstances, for road construction and design; and,

9 (b) All new road construction shall be designed and constructed to accommodate all
10 foreseeable vehicle types consistent with the road's classification; all road
11 construction efforts not so designed and constructed shall be prohibited

12 (2) Regulate the issuance of permits, through rules, regulations and examinations, for
13 the making of excavations in or under streets, boulevards, alleys, public squares or places
14 and the like, the laying therein of pipes, wires, cables, conduits and the like, the erection
15 of all poles in such streets, boulevards, alleys, public squares or places, the erection of
16 sidewalk canopies and projecting advertising signs, the operation of buildings used
17 exclusively for washing automobiles, building construction and demolition where any
18 part of the public street is occupied by barricades, temporary walks, or by any structures
19 or materials, the construction of spur tracks crossing any public rights-of-way, curb cuts,
20 pavement cuts and the uses thereof generally and the restoration to normal conditions for
21 purposes similar to those herein named;

22 (3) For safe and efficient use of streets, the department of ~~transportation~~ public works
23 shall decide through rules and regulations, between two (2) or more persons, or

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1 departments, the order in which work proposed to be done by them at or about the same
2 time in streets, boulevards, alleys, public squares or places, ramps or bridges shall be
3 performed;

4 (4) Prescribe by rule for the proper charges for the supervision referred to in this
5 section and the inspection necessary in connection therewith.

6 (5) Convene a review panel that includes representatives from the following
7 departments and agencies to approve recommendations prior to major road changes or
8 alteration projects:

9 (a) City Planning Commission;

10 (b) Buildings & Safety Engineering Department;

11 (c) Department of Public Works – Traffic Engineering Division;

12 (d) Department of Public Works – City Engineering Division; and

13 (e) Any outside consultant/contractors retained by Department of Public
14 Works.

Section 2. All ordinances, parts of ordinances, or resolutions in conflict herewith
are repealed.

Section 3. This ordinance is hereby declared necessary for the preservation of the
peace, health, safety, and welfare of the people of the City of Detroit.

Section 4. In the event that this ordinance is passed by a two-thirds (2/3) majority
of the City Council Members serving, it shall be given immediate effect and become
effective upon publication in accordance with Section 4-116 of the 1997 Detroit City
Charter. Where this ordinance is passed by less than two-thirds (2/3) majority of the City

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Council Members serving, it shall become effective no later than thirty (30) days after enactment in accordance with Section 4-115 of the 1997 Detroit City Charter.

Section 5. This ordinance shall be severable. If any Court of competent jurisdiction determines that any word, phrase or section of this ordinance is invalid, the remainder of the ordinance shall remain in full force and effect.

Approved as to form only:

John E. Johnson, Jr.
Corporation Counsel.